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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,680	06/27/2001	Anil K. Kumar	INTL-0598-US (P11739)	3966

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EXAMINER

BARNIE, REXFORD N

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,680

Applicant(s)

KUMAR, ANIL K.

Examiner

REXFORD N BARNIE

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

R. Barnie
REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 3, 5, 8, 9, 11, 13, 14, 15, 17 and 19 are rejected under 35

U.S.C. 102(e) as being anticipated by Preston et al. (Pub# US 2002/0155823A1).

Regarding claims 1 and 7, Preston teaches a mobile terminal which can establish a plurality of services with a packet network and separately assess charges for the different session based on received data in (see disclosure).

Regarding claims 2, 3, 5, 8, 9 and 11, Preston teaches that all calls charges can be estimated based on stored charge parameters stored in a mobile unit, roaming, tracking cost of services and using quality of services as a charge factor in (see cols. 1-3).

Regarding claim 13, see the explanation as set forth in claim 1 because the claimed apparatus would be performed by the claimed apparatus including in (see figs. 9-10).

Regarding claim 14, 15, 17, and 19, Preston teaches that all calls charges can be estimated based on stored charge parameters stored in a mobile unit, roaming, tracking cost of services and using quality of services as a charge factor in (see cols. 1-3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Preston et al. (Pub# US 2002/0155823A1) in view of Meuronen (US Pat# 6,473,622) or Kundorf (US Pat# 6,553,217).

Regarding claims 4, 10 and 16, Preston fails to teach the claimed subject matter in detail eventhough it's notoriously well k known. Kundorf teaches a mobile communication system for call charging wherein AOC (advice of charge) can be transmitted to a mobile station for call charging purposes in (see col. 7 lines 4-10). Also, Meuronen teaches a mobile billing system wherein an advice of charge can be transmitted to a telephone terminal in (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either one of the secondary references into that of Preston thus making it possible for a caller to know charges associated with a communication services or determining charges via one's telephone

Art Unit: 2643

terminal without having to rely on a communication system to substantiate usage charges.

Claims 6, 12, 18, 20 and 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Preston et al. (Pub# US 2002/0155823A1) in view of 3RD generation partnership project (cited by applicant) or Kalliokulju et al. (US Pat# 6,717,928)

Regarding claims 6, 12, 18 and 20, Preston et al. teaches detection of communication session including start and termination session for charging purposes but fails to teach the claimed subject matter in detail eventhough, it's notoriously well known in the art. 3RD generation (cited by applicant) teaches general packet radio service description which according to (see section titled Mobile management Functionality, pages 33-40) wherein the state of communication can be determined. Furthermore, billing charges can be assessed for a user based on mobility management information in (see pages 152-153).

Kalliokulju et al. teaches a method and system for monitoring communication states of a mobile phone (see disclosure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either secondary reference thus making it possible to determine when a telephone is in a communication state based on management state information and to bill the user accordingly for rendered communication services to reduce fraudulent charges.

Regarding claims 21 and 24, Preston teaches a mobile terminal which can establish a plurality of services with a packet network and separately assess charges for

Art Unit: 2643

the different session based on received data in (see disclosure). Preston teaches that all calls charges can be estimated based on stored charge parameters stored in a mobile unit, roaming, tracking cost of services and using quality of services as a charge factor in (see cols. 1-3).

Arguably, billing or charging is done in conjunction with the telephone status including detection of an idle or communication state base on Preston's disclosure. For the sake of argument, detection of a communication status using mobility management state information is well known and arguably would be use in setting forth billing charges for services rendered by a service provider such as in a landline system where an off-hook signal can be used in assessing billing data for toll calls.

Preston et al. teaches detection of communication session including start and termination session for charging purposes but fails to teach the claimed subject matter in detail eventhough, it's notoriously well known in the art. 3RD generation (cited by applicant) teaches general packet radio service service description which according to (see section titled Mobile management Functionality, pages 33-40) wherein the state of communication can be determined. Furthermore, billing charges can be assessed for a user based on mobility management information in (see pages 152-153).

Kalliokulju et al. teaches a method and system for monitoring communication states of a mobile phone in (see disclosure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either secondary reference thus making it possible to determine when a telephone is in a communication state

Art Unit: 2643

based on management state information and to bill the user accordingly for rendered communication services to reduce fraudulent or inaccurate charges.

Regarding claims 22, 23, 25 and 26, Preston teaches that all calls charges can be estimated based on stored charge parameters stored in a mobile unit, roaming, tracking cost of services and using quality of services as a charge factor in (see cols. 1-3).

Regarding claim 27, see the explanation as set forth regarding claims 21 and 24 because it would be performed by the claimed apparatus.

Regarding claims 28-30, the combination renders the claimed subject matter obvious.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
04/28/04